

AGENDA ITEM #10

May 14, 2004

To: Delta Protection Commission

From: Margit Aramburu, Executive Director

Subject: New General Plan for the CITY OF ELK GROVE, Sacramento County
(*For Commission Discussion and Possible Action*)

BACKGROUND:

The City was incorporated in July 2000. The City adopted its new General Plan on November 19, 2003.

LOCATION OF THE CITY OF ELK GROVE:

The City limits lie south of the City of Sacramento and north of Kammerer Road. The City is bounded on the west by I-5 and includes lands east of Highway 99. The City recently annexed the Laguna West area. The City is east of the Primary Zone of the Delta, however, a very small area along I-5 and north of Elk Grove Boulevard is in the Secondary Zone.

REVIEW BY DELTA PROTECTION COMMISSION:

The Commission's law requires that local governments ensure that their general plans are consistent with the Commission's regional plan *for lands in the Primary Zone*. While the current City of Elk Grove city limits do not include any areas in the Primary Zone, the City's newly adopted General Plan does include and discuss lands in the Primary Zone.

The General Plan Introduction, p. 5, states:

Two-Tiered Planning: In addition to planning for Elk Grove, this General Plan Addresses a "Planning Area" outside the city limits. This Planning Area was defined during the process of applying to the Sacramento County Local Agency Formation Committee for a Sphere of Influence; it represents the area which the City envisions may ultimately be included either in a Sphere of Influence or in the incorporated city limits.

While the City has no jurisdiction over the determination of land use policy in adjacent areas, it can advise the County on land use policy. Outside the city limits, therefore, this General Plan is purely advisory, although it does provide a statement of the uses the City desires in these areas.

Reflecting the limit of the City's authority to regulate land uses outside its current corporate boundaries, this General Plan provides land use and other policy direction in the following manner:

- For the area within the city limits and within the area currently proposed by the City to be included within its Sphere of Influence...this General Plan provides a detailed Land Use Policy Map and other specific policies relating to land use and other issues. (The City in November 2000 applied to the Sacramento County LAFCO for approval of a Sphere of Influence which includes these areas...)*
- For the area outside the city limits, this General Plan provides land use designations at a more conceptual level; because the City does not have land use authority in these areas, detailed land use categories have not been assigned, and the policies of this General Plan with regard to other issues (Circulation, housing, noise, etc.) are advisory only and are intended to be considered by the County of Sacramento in its review and approval of development projects and other matters in this larger "planning area".*

PROCESS IF THE CITY ADDS LANDS IN THE PRIMARY ZONE TO THE CITY LIMITS:

As discussed previously, if the City does incorporate lands in the Primary Zone in the city limits, the City will have to submit its General Plan to the Commission for review and a determination of consistency. When the Commission reviews a local government General Plan, the Commission must approve the local general plan by a majority vote of the Commission membership (ten votes) after making all of the following written findings regarding the general plan and any development approved or proposed that is consistent with the General Plan (Public Resources Code, Section 29763.5):

- Consistent with the regional plan (Land Use and Resource Management Plan for the Primary Zone of the Delta).
- Will not result in wetland or riparian loss.
- Will not result in the degradation of water quality.
- Will not result in increased nonpoint source pollution.
- Will not result in the degradation or reduction of Pacific Flyway habitat.
- Will not result in reduced public access, provided the access does not infringe on private property rights.
- Will not expose the public to increased flood hazard.
- Will not adversely impact agricultural lands or increase the potential for vandalism, trespass, or the creation of public or private nuisances on public or private land.
- Will not result in the degradation or impairment of levee integrity.
- Will not adversely impact navigation.
- Will not result in any increased requirements or restrictions upon agricultural practices in the Primary Zone.

DESCRIPTION OF THE CITY OF ELK GROVE:

The City of Elk Grove's planning area includes 93,560 acres in southern Sacramento County. The City limits include 26,910 acres (42 square miles); this includes the area known as Laguna West that was recently annexed into the City. The City and planning

area are bounded by the Stone Lakes National Wildlife Refuge and the Sacramento River to the west, the Cities of Sacramento and Rancho Cordova to the north and the Cosumnes River to the south east. Within the larger planning area lie the unincorporated community of Hood, to the west, and the area known as Point Pleasant, to the south. The City has two major north-south freeways--I-5 and 99. Several large east-west expressways connect these two highways.

DESCRIPTION OF PRIMARY ZONE LANDS WITHIN THE CITY LIMITS:

There are no lands in the existing city limits in the Primary Zone. However, substantial lands west of I-5, south of the City of Sacramento and north of Twin Cities Road are identified as "Planning Area" and included on maps in the City's General Plan.

The General Plan Glossary (p. 188) defines Planning Area as "the area directly addressed by the general plan. A city's planning areas typically encompasses the city limits and potentially annexable land within its sphere of influence."

CURRENT GENERAL PLAN DESIGNATIONS (SACRAMENTO COUNTY):

Lands west of I-5 are located in Sacramento County. The General Plan designation is "Agricultural Cropland".

CURRENT ZONING (SACRAMENTO COUNTY):

Lands lying west of I-5, and bounded by Elliott Ranch Road and Hood Franklin Road are zoned RR(F), Recreation Reserve, with Flood overlay. Other lands to the north and south of the RR area, and west of I-5 are zoned AG-80(F), Agriculture with 80 acre minimum parcel with Flood overlay.

CITY OF ELK GROVE GENERAL PLAN DESIGNATIONS:

The Planning Area Land Use Concept Map (attached) identifies the lands west of I-5 as Open Space Reserve and Limited Development--Constrained by flooding.

CITY OF ELK GROVE ZONING:

As the lands in the Planning Area are not in the City limits, the City has not adopted any zoning for lands in the "Planning Area".

CITY OF ELK GROVE GENERAL PLAN POLICIES REGARDING THE PRIMARY ZONE OF THE DELTA:

(Note: Text in italic is quoted from the City of Elk Grove General Plan)

CONSERVATION AND AIR QUALITY ELEMENT:

Sacramento River Delta (page 43):

Although not within the current incorporated boundaries of Elk Grove, a portion of the Sacramento River Delta is inside the larger Planning Area of the General

Plan...Therefore, the City's long-term land use policies will require coordination with the Delta Protection Commission (a state agency) once these lands are included within the corporate boundary of Elk Grove.

Mission Statement:

The mission of the Commission is to guide the protection of the Delta's unique natural quality, cultural viability, economic vitality, and recreational opportunity through:

- *Protection maintenance, and enhancement and restoration of the overall quality of the Delta environment including agriculture, wildlife habitat, and recreational activities;*
- *Assurance of orderly, balanced conservation and development of Delta land resources;*
- *Improvement of flood protection to ensure an increased level of public health and safety.*

Vision Statement:

The vision of the Delta Protection Commission is a region in which the essential land uses and unique natural qualities flourish in self-sustaining harmony.

Conservation Policies: Conservation of Agricultural Uses:

CAQ-3: *The City of Elk Grove considers the only mitigation for the loss of agricultural land to consist of the creation of new agricultural land in the Sacramento region equal in area, productivity, and other characteristics to the area which would be lost due to development. The protection of existing agricultural land through the purchase of fee title or easements is not considered by the City to provide mitigation since programs of this type result in a net loss of farmland.*

CAQ-4: *While agricultural uses are anticipated to be phased out within the city limits, the City recognizes the right of these uses to continue as long as individual owners/farmers desire. The City shall not require buffers between farmland and urban uses, relying instead on the following actions to address the impacts of farming on urban uses:*

Action 1: Implement the City "Right to Farm" Ordinance.

Action 2: Prospective buyers of property adjacent to agricultural land shall be notified through the title report that they could be subject to inconvenience or discomfort resulting from accepted farming activities as per provisions of the City's right-to-farm ordinance.

Conservation Policies: Land within the Primary Zone of the Sacramento River Delta:

CAQ-6: *Within the Primary Zone of the Legal Delta...the City's land use and other policies shall conform with the "Land Use and Resource Management Plan for the Primary Zone of the Delta" developed by the Delta Protection Commission.*

Action 1: Coordinate with the Delta Protection Commission by providing updates on the status of any requests by the City to include any lands in the Primary Zone in the City's sphere of influence or incorporated boundaries.

Action 2: Prior to the annexation of any land in the Primary Zone of the Legal Delta, ensure that this General Plan is consistent with the Delta Protection Commission's Act and Plan as it affects the area within the Primary Zone.

LAND USE ELEMENT:

Sphere of Influence and Annexation (page 122):

This General Plan provides land use planning for the City and a larger Planning Area. The Planning Area is intended to be an area in which the City has an interest in guiding land use decisions by the County of Sacramento, and is envisioned as the area into which the incorporated city boundaries may eventually expand.

Land Use Policies: Areas Outside the Incorporated Area of Elk Grove:

LU-12: *The Land Use Policy Map of the Planning Area (Figure LU-2) provides conceptual land use policy for the area outside the current incorporated boundaries of Elk Grove. This policy is intended as a statement of the City's long-term vision for this area; these lands remain under the jurisdiction of Sacramento County. Except where specifically indicated, the City's land use policy for areas outside the city limits reflects the County of Sacramento's land use policy as it existed on December 31, 2002.*

Land Use Policies: Urban Study Areas

LU-17: *Implement a comprehensive and city-wide strategy for the preservation of open space, habitat and agriculture, both inside and outside the City's existing city limits.*

Action 1: Within 90 days of the adoption of this General Plan, staff shall bring to the City Council for its consideration options available for the strategic funding, acquisition and management of land in and proximate to the City for the purposes of preserving open space, habitat and agriculture.

PARKS, TRAILS AND OPEN SPACE ELEMENT:

Trails and Open Space (p. 149): *An important component of the community's vision for the future of Elk Grove is the retention of significant amounts of open space in the Planning Area...and the creation of a trails system to link the development portions of Elk Grove with these areas...the City recognizes that there are many important open space resources in the Planning Area, including...the Delta and agricultural areas.*

PTO-15: *The City views open space lands of all types as important resource which should be preserved in the region, and supports the establishment of multi-purpose open space areas to address a variety of needs, including, but not limited to:*

- *Maintenance of agricultural uses*
- *Wildlife habitat*
- *Recreational open space*
- *Aesthetic benefits*
- *Flood control*

To the extent possible, lands protected in accordance with this policy should be in proximity to Elk Grove, to facilitate use of these areas by Elk Grove residents, assist in

mitigation of habitat loss within the City, and provide an open space resource close to the urbanized areas of Elk Grove.

Action 1: *Consider the establishment of a citywide fee and/or assessment system which would provide funding for the purchase of open space land or easements and the maintenance of these areas.*

Action 2: *Work with the County of Sacramento and other resource agencies to develop a regional open space plan which provides for multiple uses of open space (e.g. agriculture and wildlife foraging).*

Action 3: *Consider using funds collected under existing (2003) fee programs (e.g. Swainson's Hawk mitigation and East Franklin Specific Plan agricultural mitigation) to fund this expanded open space program.*

SAFETY ELEMENT

Drainage and Flooding (p. 173):

SA-13: The City shall require that all new projects not result in new or increased flooding impacts on adjoining parcels on upstream and downstream areas.

SA-15: Development shall not be permitted on land subject to flooding during a 100-year event, based on the most recent floodplain mapping prepared by the Federal Emergency management Agency (FEMA) or updated mapping acceptable to the City of Elk Grove...

SA 16: A buildable area outside the 100-year floodplain must be present on every residential lot sufficient to accommodate a residence and associated structures. Fill may be placed to create a buildable area only if approved by the City and in accordance with all other applicable policies and regulations. The use of fill in the 100-year floodplain to create buildable area is strongly discouraged, and shall be subject to review to determine potential impacts on wildlife, habitat, and flooding on other parcels.